

Message Text

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TAGS: SHUM, IV

SUBJ: HUMAN RIGHTS IN DEVELOPMENT ASSISTANCE RECIPIENT

COUNTRIES: IVORY COAST

REF: (A) STATE 014518, (B) 76 ABIDJAN A-34 AND PREVIOUS

1. THIS CABLE RESPONDS TO THE HUMAN RIGHTS QUESTIONS CONTAINED REFTTEL WITH RESPECT TO IVORY COAST, ALTHOUGH IVORY COAST IS NOT RPT NOT A DEVELOPMENT ASSISTANCE RECIPIENT COUNTRY.

A. IVORY COAST IS HEADED BY A CONSTITUTIONAL GOVERNMENT, AND THE STRUCTURES OF THE REPUBLIC ARE PATTERNED IN LARGE PART AFTER THOSE OF FRANCE, THE FORMER COLONIAL POWER. ELECTIONS FOR PRESIDENT AND THE 120-MEMBER NATIONAL ASSEMBLY ARE HELD EVERY FIVE YEARS WITH FELIX HOUPHOUET BOIGNY THE COUNTRY'S PRESIDENT SINCE INDEPENDENCE RE-ELECTED FOR THE 1975-80 TERM. THE COUNTRY HAS ONE POLITICAL PARTY (PDCI/RDA). ALTHOUGH OPPOSITION POLITICAL PARTIES ARE NOT RPT NOT ILLEGAL, THEY WOULD BE EFFECTIVELY IMPOSSIBLE TO FORM UNDER PRESENT CONDITIONS SINCE THE PREVAILING AND ACCEPTED PHILOSOPHY IS THAT THE UNITY AND DEVELOPMENT OF THE COUNTRY ARE BEST PROMOTED WITHIN A ONE-PARTY SYSTEM.

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B. IVORY COAST HAS A JUDICIAL SYSTEM SEPARATED FROM THE EXECUTIVE BRANCH AND CULMINATING IN A SUPREME COURT. THE INDEPENDENCE OF THE JUDICIARY IS GENERALLY RESPECTED ALTHOUGH IN REAL POLITICAL TERMS THE PRIMACY OF THE PRESIDENCY IS UNQUESTIONED. HUMAN RIGHTS ARE GUARANTEED BY THE COUNTRY'S 1960 CONSTITUTION, WHICH EXPLICITLY PROCLAIMS ADHERENCE TO

AND GUARANTEE OF FUNDAMENTAL HUMAN RIGHTS AS THESE ARE SET FORTH IN THE (FRENCH) DECLARATION OF THE RIGHTS OF MAN OF 1789, AND OF THE (UN) UNIVERSAL DECLARATION OF HUMAN RIGHTS OF 1948. IVORY COAST HAS A GOOD RECORD OF OBSERVANCE OF THESE CONSTITUTIONAL GUARANTEES. THERE ARE NO EMERGENCY MEASURES IN EFFECT IN IVORY COAST, NOR ARE THERE ANY CASES KNOWN OF POLITICAL PRISONERS.

C. IN ACTUAL OBSERVANCE AS WELL AS THE OFFICIAL ATTITUDE AND WRITTEN LEGAL GUARANTEES REFERRED TO ABOVE, IVORY COAST HAS A REPUTATION THOUGHOUT WEST AFRICA AND ELSEWHERE AS A MODERATE AND PROGRESSIVE STATE WHERE BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS ARE RESPECTED. ALTHOUGH CAPITAL PUNISHMENT EXISTS UNDER THE LAW, THERE HAS NOT BEEN AN EXECUTION CARRIED OUT SINCE INDEPENDENCE IN 1960 AND PRESIDENT HOUPHOUET BOIGNY HAS SAID HE WILL NEVER BE THE FIRST TO SHED IVORIAN BLOOD. INSTANCES OF TORTURE ARE UNKNOWN TO THIS EMBASSY. THE RIGHTS OF THE INDIVIDUAL WITH RESPECT TO DETENTION, ARREST AND TRIAL ARE SPELLED OUT IN THE PENAL CODE WHICH PROVIDES FOR EXAMPLE UNDER ARTICLE 63 THAT A PERSON DETAINED BY THE POLICE MUST BE BROUGHT BEFORE A PROSECUTOR OR JUDGE WITHIN 48 HOURS. AT THE SAME TIME THE COUNTRY'S LEADERS PLACE A HIGH PREMIUM ON POLITICAL ORDER AND STABILITY AS A PRE-CONDITION FOR CONTINUED ECONOMIC DEVELOPMENT. PHYSICAL CONTROL INCLUDING SOME HARASSMENT AND ROUGH HANDLING IS NOT INFREQUENT FOR LOWER-LEVEL IVORIANS AND PARTICULARLY FOR THE FOREIGN AFRICANS WHO HAVE FLOCKED TO IVORY COAST TO FIND WORK (ESTIMATED AT MORE THAN 1 MILLION). THE GOVERNMENT WILLINGNESS TO TAKE A FIRM HAND WITH DISORDER WAS AGAIN DEMONSTRATED RECENTLY DURING THE STUDENT STRIKES WHEN THE GOIC ROUNDED UP 1500-
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2500 STUDENTS FOR DETENTION RANGING FROM SEVERAL HOURS TO SEVERAL DAYS. ON BALANCE HOWEVER THE IVORY COAST RECORD OF OBSERVANCE OF BASIC HUMAN RIGHTS AND FREEDOMS IS ONE OF THE BEST IN AFRICA. THERE IS CLEARLY NO RPT NO "CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS" AS DESCRIBED IN THE FOREIGN ASSISTANCE ACT.

D. NONE KNOWN AVAILABLE.
STEARNS

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Message Attributes

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